

FILED

MAR 14 2013

**STATE BAR COURT
CLERK'S OFFICE
LOS ANGELES**

**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES**

In the Matter of)	Case No.: 09-C-17095
)	
LEON RUBIN LAUFER)	ORDER
)	
Member No. 100995)	
)	
<u>A Member of the State Bar.</u>)	

On January 31, 2013, respondent Leon Rubin Laufer filed a motion to "correct" the discipline costs in this case. The State Bar opposes the motion.

Respondent argues that the costs should be reduced to the level imposed for cases that are resolved within 120 days of the filing of the proceeding because the case settled within that time. The costs imposed were for the next highest level for cases that are resolved after 120 days but before the filing of the pretrial statement. Respondent also argues that the costs estimate in the stipulation resolving this case was for the lower level and he should not be assessed costs at the higher level.

The court agrees that challenging the stage at which a case is resolved is not challenging the determination of reasonable costs. The court also agrees that this conviction matter was initiated in the hearing department on July 20, 2011, when the notice of hearing on conviction was filed and served under rule 5.345(A) of the Rules of Procedure of the State Bar. However, this case was not settled until the court approved the stipulation and it was filed on November 22, 2011. As respondent acknowledges, this date was 124 days from the initiation of the case.



Nevertheless, the State Bar notified respondent in the stipulation that the costs in this case would be "approximately" \$3,179, which were the costs for cases settled within the first 120 days of the proceeding. The costs actually imposed were \$5,798, which were the costs for the next higher level. Although the stipulation stated that the \$3,179 amount was an approximation, the costs actually imposed were over 80 percent more.

Costs in discipline cases can be substantial. Fundamental fairness seems to require that an attorney be notified of the amount of the costs prior to signing the stipulation. Notifying the attorney of an amount that is substantially less than the actual amount is misleading, whether intended or not. The court concludes that the interest of justice warrants reducing the costs in this case to \$3,179.

IT IS SO ORDERED.

Dated: March 13, 2013



RICHARD A. PLATEL
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on March 14, 2013, I deposited a true copy of the following document(s):

ORDER

in a sealed envelope for collection and mailing on that date as follows:


- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

SCOTT JOHN DREXEL
1325 HOWARD AVE #151
BURLINGAME, CA 94010

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

HUGH RADIGAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 14, 2013.



Angela Carpenter
Case Administrator
State Bar Court